

REMARKSI. Introduction

Claims 49, 50, 60, 61 and 71 have been amended to correct dependencies and other informalities unrelated to any art rejections. Claims 30-47, 49-58, 60-69 and 71 are pending in the present application. Re-examination and re-consideration of the application, as amended, is requested.

II. The Cited References and the Subject Invention

A. The Boyer Reference

U.S. Publication No. 20060253869, published November 9, 2006 to Boyer et al. disclose an internet television program guide system. An Internet television program guide system is provided that allows a user at a multimedia system to access information related to television programs over an Internet communications link. The user can view television program guide listings and related video stills and video clips. The user can perform database searches on the program guide listings (e.g., to search for a particular type of television program). If desired, the user can select an option that directs the multimedia system to tune directly to a television channel for a selected program or to a related television program guide or movie guide service on a television channel. The user can order pay-per-view events using the system.

B. The Kahl Reference

U.S. Patent No. 5,936,625, issued August 10, 1999 to Kahl et al. disclose a computerized calendar showing scheduled events which may be edited, magnified, or scrolled within a monthly view. A method of providing a monthly calendar view in a computer system uses either textual information or vertically stacked busy bars. If the textual information is utilized, the textual information includes a start time and a brief description of the event. The textual information is interactive allowing quick and easy additions or editing. If the vertically stacked busy bars are utilized, the bars may each represent a predetermined time frame. The presence of a bar indicates an event is scheduled during that time frame. Whichever method is utilized, an enlarged full text

description of the event is directly selectable by placing an icon over the event and selecting the event.

C. The Brown Reference

U.S. Patent No. 4,216,596, issued August 12, 1980 to Brown discloses a perpetual calendar. The specification discloses a perpetual monthly calendar in which numbered belts are adjustable to bring the numbers of a year to a year window, a month belt is adjustable to bring the month (with the number of days therein) to a month window, a day belt having six horizontal rows of numbers adjustable to bring the appropriate monthly calendar to a day window with the first of the month under the day of the week on which the month of a row of the days of the week is above the day window and exposing consecutive day numbers of that month in the day window. A sixth row pointer is adjustably positioned just beyond the last day of the month exposed when next day is in the sixth row. A fifth row pointer is adjustably positioned beyond the last day of the month exposed when the next day is in the fifth row.

D. The Green Reference

U.S. Patent No. 6,192,346, issued February 20, 2001 to Green discloses vacations and holiday scheduling method and system having a bidding object, which enables employees to bid and prevent from bidding if higher priority employees have not bid. The system includes a variety of objects to assist a business in controlling and managing the scheduling of vacations by their employees and for assisting the employees in bidding on vacation days and holidays based upon employee seniority.

E. The Lemmons Reference

U.S. Publication No. 20040216160, published October 28, 2004 to Lemmons et al. disclose interactive program guide systems and processes. Interactive program guide systems and related processes are provided which can automatically tune a television, or program a VCR, based on program selections made from program schedule information displayed on a television or other suitable video monitor. The interactive program guide is preferably implemented using a microprocessor-controlled set-top box that is coupled to the viewer's television set. The set-top box

receives program schedule information and software from a headend telecasting center. Preferably, program schedule information for the current day and at least six subsequent days is stored in a memory within the set-top box. The interactive program guide provides a display mode for allowing the viewer to apply a restrictive search selection criterion and a nonrestrictive sort attribute to the program schedule information.

III. Office Action Prior Art Rejections

In paragraphs (11)-(12), the Office Action rejected claims 30-32, 34, 37, 40-42, 44, 47, 51-53, 55, and 58 under 35 U.S.C. § 103(a) as unpatentable over Boyer et al., U.S. Publication No. 2006/0253869 (Boyer) in view of Kahl et al., U.S. Patent No. 5,936,625 (Kahl). The Applicants respectfully traverse.

With Respect to Claim 30: Claim 30 recites:

An electronic program guide for providing information regarding a plurality of broadcast media programs comprising:

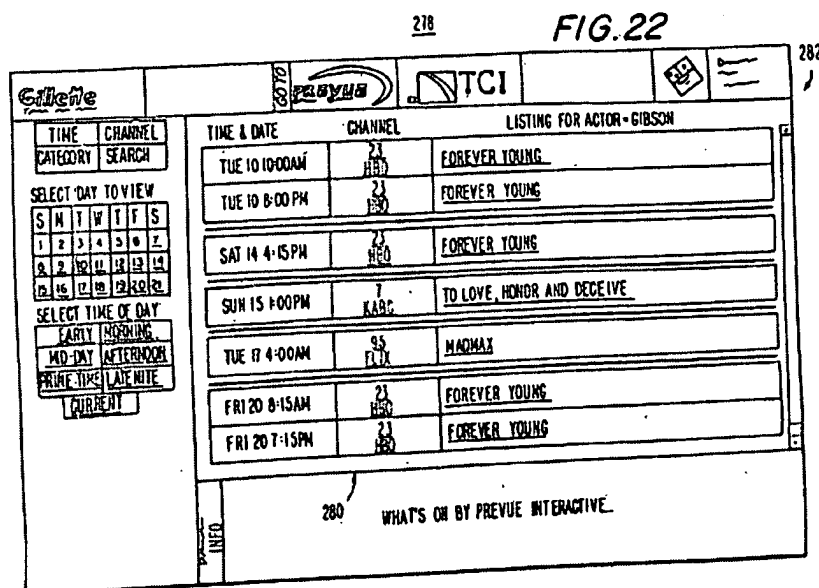
a listing of media program representations that represent a first subset of the plurality of media programs, the first subset of media programs being obtained by a search of the plurality of broadcast media programs; and

a calendar image displayed separate from and with the listing of media program representations, the calendar image including a plurality of dates and a plurality of program indicators, each program indicator being overlaid on one or more of the plurality of dates, thereby providing an indication of the dates on which only the first subset of media programs will be broadcast;

wherein the calendar image includes a selection indicator, the selection indicator movable within the calendar image for selecting one of the plurality of dates on the calendar image.

Claim 30 recites that the first subset of the media programs is obtained by a search of the plurality of broadcast media programs, and that the program indicators provide an indication of the dates on which only the first subset of media programs will be broadcast (i.e. not all of the plurality of broadcast media programs).

The Office Action refers to FIGs. 21 and 22 of the Boyer reference:



And argues:

4. Boyer teaches searching the EPG database (Fig. 21), and displaying the search results along with the calendar (Fig. 22). Boyer's displayed search results listings are event listings, because they each have an associated broadcast date and time. Further, the event listings displayed after a search are a subset of event listings from the EPG database. Fig. 22. However, Boyer does not further display indicators for each program on the dates on which the subset of programs are broadcast.

FIG. 22 discloses placing a calendar image adjacent a program listing. However, the calendar image does not provide any information whatsoever about the search results. It is used only to allow the user to navigate to different days and times of the day:

[0103] Cursors 222 and 224 are used to navigate to earlier or later time periods, respectively. Web browser cursors 226 and 228 allow the user to scroll through the program listings. The user may also navigate the program listings with time navigation buttons 230. For example, if the user would like to view program listings that begin in the morning, the user clicks on the morning navigation button 230. If the user would like to view program listings for programs currently being broadcast, the user may click on the current navigation button 230. Program listings for different days in the month may be viewed by selecting the appropriate day from calendar buttons 232.

Hence, Boyer teaches using the calendar for navigation purposes only. It does not teach using a calendar to provide an overview of the result of a program search, nor does it provide any information about a search.

Kahl discloses a computer-based calendaring tool in which "busy bars" indicate periods of time for "events" that the user has scheduled for themselves.

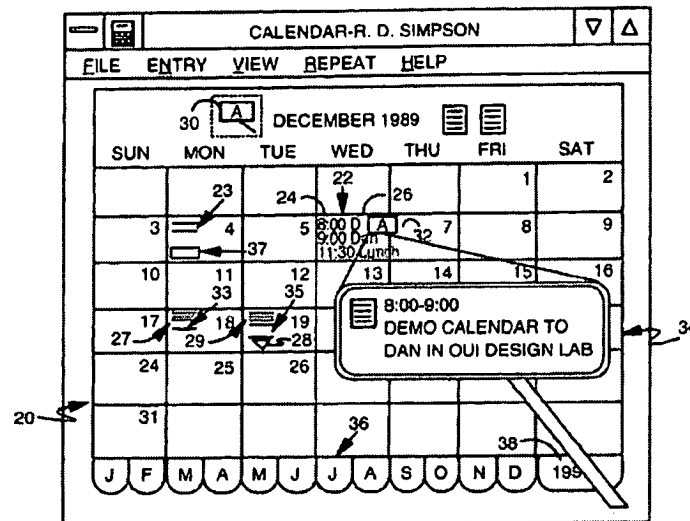


FIG. 2

Kahl has at least one thing in common with the Boyer reference ... neither shows the use of a calendar to show the results of a *search*.

The Office Action states:

5. Kahl's event indicators could have been added to Boyer's calendar, thus displaying event indicators for the subsets of broadcast program events displayed in, for example, the search results page of Fig. 22. See the respective rejections. As was previously noted, the particular use of known techniques to improve similar devices in the same way is obvious. Therefore, although neither Boyer nor Kahl alone teach the claimed program indicators for a first subset of programs obtained by a search, by combining Kahl's calendar event indicators with Boyer's display of a calendar for selecting a subset of program events obtained by a search, one of ordinary skill arrives at the claimed invention.

Of course, the issue is not whether Kahl's event indicators *could be* added to Boyer's calendar. The issue is whether it would be obvious for one of ordinary skill in the pertinent art to modify Boyer as indicated. The Applicants respectfully suggest that the "pertinent art" is that of program guides provided in connection with broadcast media systems, not any art that might use a calendar. Indeed, although Boyer discloses the simultaneous display of a calendar with a program guide, the vast majority of program guides do not. And Boyer teaches that in the art of program guides, that a calendar be used for purpose of navigation, not for providing program information, and certainly not doing so for the results of a search.

Boyer is directed to a program guide, and hence, is art that is pertinent to the Applicants' invention. Kahl is another matter. Kahl is directed to a personal calendaring system ... an entirely different field of art.

The Office Action acknowledges that neither Boyer nor Kahl teach the notion of a calendar with program indicators, indicating the results of a search, but argues that one of ordinary skill could arrive at the invention by combining Boyer and Kahl.

This assertion would have more merit if Kahl at least disclosed the notion of illustrating some kind of search result on the calendar image, but it does not. Kahl discloses the notion of "busy bars," but the "busy bars" are not displayed with a search result or even related to one.

The Office Action also argues:

7. Applicant further argues that Boyer and Kahl are not "similar" and are therefore not combinable. Remarks, pgs. 14-15. Applicant argues that Boyer displays program events on a television, while Kahl displays personal or professional appointment events on a computer. Applicant argues that a user interface on a computer is not analogous to a user interface on a television, mentioning differences in user input devices and resolution capabilities. Remarks, . . . 15.

8. However, it is noted that Boyer's program guide can be implemented on a personal computer. Boyer, para [0011]. Further, it can be navigated using a mouse or other pointing device. Boyer, para [0074]. Therefore, the examiner finds the above arguments unpersuasive.

As described above, the lack of similarity between Boyer and Kahl is apparent, regardless of whether they are implemented on a television or a personal computer. Boyer is directed to program guides that are broadcast along with media programs for selection and viewing. Kahl is directed to a personal management system. About all the two references have in common is that they both use calendars ... one (Boyer) uses a calendar as a navigational aid, and one (Kahl) uses it to convey information. Neither uses it to convey information about the results of a search, as does the Applicants' invention.

The Office Action also argues:

9. Applicant further argues the motivation for the combination, claiming that Boyer's calendar needs no improvement to select a day or time. Remarks, pg. 15. However, Kahl's indicators improve Boyer's calendar by allowing the viewer to see a quick overview of the dates on which events occur. Boyer's program guide can only display about 7 program events without resorting to scrolling (see Fig. 22), whereas Kahl's indicators allow a user to quickly see an overview of events across an entire month, thereby allowing a user to quickly see which dates are selectable to view associated events.

The Applicants do not question that the Applicant's invention offers advantages over the Boyer reference. The problem however, is that the notion of presenting search results on a calendar is absent from both Boyer (search and calendar, but no search results on calendar) and Kahl (calendar with events, but directed to a different problem and no searching), so the rejection appears to use the Applicants disclosure against them.

Essentially, the Office Action's argument boils down to the notion that since searches and calendars are both known in the art, it would be obvious to present the results of a search in a calendar. The Applicants cannot agree.

Independent claims 40, 51, 62, recite analogous features and are patentable for the same reasons.

Claims 31-32, 34, 37, 41, 42, 44, 47, 52, 53, 55, and 58 recite the features of the independent claims they depend upon and are patentable for the same reasons. Claims 31-32, 34, 37, 41, 42, 44, 47, 52, 53, 55, and 58 also recite features rendering them even more remote from the references of record.

For example, claim 34, 44 and 55 recite a title region separate from and adjacent to the calendar image, including a title or categorical representation of the listing of media program representations. The Office Action suggests that this is disclosed in Kahl by the use of "December 1989," but this is not a listing of media program representations, nor is it analogous to one.

In paragraph (13), the Office Action rejected claims 36, 46, and 57 under 35 U.S.C. §103(a) as being unpatentable over Boyer in view of Kahl, and further in view of Brown, U.S. Patent No. 4,216,596 (Brown).

Claims 36, 46, and 57 recite the features of the independent claims they depend upon and are patentable for the same reasons.

In paragraph (14), the Office Action rejected claims 38-39, 49-50, and 60-61 under 35 U.S.C. §103(a) as being unpatentable over Boyer in view of Kahl, and further in view of Green, U.S. Patent No. 6,192,346 (Green).

Claims 38-39, 49-50, and 60-61 recite the features of the independent claims they depend upon and are patentable for the same reasons. Further, the Applicants respectfully disagree that Kahl's staggering of the busy bar indicators is analogous to the using a different shades to indicate different concentrations of media programs.

In paragraph (15), the Office Action rejected claims 33, 35, 43, 45, 54, 56, 62-67, and 69 under 35 U.S.C. §103(a) as being unpatentable over Boyer, Kahl, and further in view of Lemmons et al., U.S. Publication No. 2004/0216160 (Lemmons).

Claims 33, 35, 43, 45, 54, 56, 62-67, and 69 recite the features of the independent claims they depend upon and are patentable for the same reasons.

In paragraph (16), the Office Action rejected claim 68 under 35 U.S.C. §103(a) as being unpatentable over Boyer in view of Kahl, Lemmons, and Brown.

Claim 68 recites the features of the independent claim it depends upon and is patentable for the same reasons.

In paragraph (17), the Office Action rejected claim 71 under 35 U.S.C. §103(a) as being unpatentable over Boyer in view of Kahl, Lemmons, and Green. Applicants respectfully traverse these rejections.

Claim 71 recites the features of the independent claim it depends upon and is patentable for the same reasons.

IV. Dependent Claims

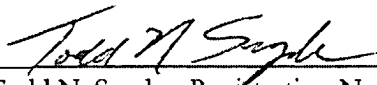
Dependent claims 31-39, 41-47, 49-50, 52-58, 60-61, 63-69, and 71 incorporate the limitations of their related independent claims, and are therefore patentable on this basis. In addition, these claims recite novel elements even more remote from the cited references. Accordingly, the Applicant respectfully requests that these claims be allowed as well.

V. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, **if appropriate**. In addition, please charge all fees to Deposit Account No. 50-0383 of The DIRECTV Group, Inc., the assignee of the present application.

Respectfully submitted,

Date: April 2, 2009


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